

REMARKS

Claims 1-7, 12-17 and 22-40 are pending in this application. Claims 1-7, 12-17, 22-25, 28-30, 32, 33, 36-38 and 40 stand rejected. Claims 26, 27, 31, 34, 35 and 39 stand rejected as being dependent upon a rejected base claim, but allowable if rewritten in independent form. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Examiner Interview

The below signing attorney wishes to thank Examiner John B. Strege for his help and suggestions during the Interview of March 23, 2009. During the Interview, the below-signing attorney suggested changes to claim 1 to overcome the art of record. Examiner Strege offered the opinion that the change to claim 1 shown above would overcome the previous rejection.

Rejections Under 35 U.S.C. §102

Claims 1-6, 12-17, 22-25, 28-30, 32, 33, 36-38 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Publ. No. US 2006/0274917 to Ng et al. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been further limited to the context “wherein the pattern recognizer distinguishes by counting only newly identified vehicles within the recognition zone.” Independent claim 12 has been similarly limited. The counting of only newly identified vehicles is discussed in paragraph [0047] and is shown in FIG. 8. As shown in FIG. 8, the count

is incremented 850 only if a newly identified vehicle is identified 840 within the recognition zone.

Claim 22 has been further limited to “determining a length of tracks of the illumination patterns in the series of images and distinguish vehicles from reflections by comparing the determined length of the tracks of the illumination patterns in the series of images with a threshold value.” Independent claims 33 and 37 have been similarly limited. The determination of a length of the tracks and comparison of the measured length with a threshold value is discussed in paragraph [0035] and is shown in FIG. 5 of the specification.

Claims 1-6, 12-17, 22-25, 28-30, 32, 33, 36-38 and 40 are now clearly differentiated over Ng et al. For example, Ng et al. clearly fails to provide a recognition zone where “the recognition zone corresponds to a segment of a field of view of the camera wherein reflected light received from reflection areas that are illuminated by the narrower segment of higher intensity light is substantially diminished and . . . wherein the pattern recognizer distinguishes by counting only newly identified vehicles within the recognition zone” as in claims 1 and 12 or “determining a length of tracks of the illumination patterns in the series of images and distinguish vehicles from reflections by comparing the determined length of the tracks of the illumination patterns in the series of images with a threshold value” as in claims 22, 33 and 37. Since Ng et al. fails to provide any teaching regarding these claim elements, Ng et al. does not do the same or any similar thing as that of the claimed invention. Since Ng et al. does not do the same or any similar thing as that of the claimed invention, the rejections are now improper and should be withdrawn.

Rejections Under 35 U.S.C. §103

Claim 7 stands rejected under 35 U.S.C. §103(a) as being obvious over Ng et al. in view of the publication entitled “Vehicle Detection Under Day and Night Illumination” by Cucchiara (Proceedings of 3rd International ICSC Symposium on Intelligent industrial Automation (IIA 99)). Applicant respectfully traverses these rejections.

It may be noted first that claim 7 is dependent upon claim 1 and includes all of the limitations of claim 1. Accordingly, claim 7 is also limited to a recognition zone where “the recognition zone corresponds to a segment of a field of view of the camera wherein reflected light received from reflection areas that are illuminated by the narrower segment of higher intensity light is substantially diminished and . . . wherein the pattern recognizer distinguishes by counting only newly identified vehicles within the recognition zone”

It may be noted next that Cucchiara (as with Ng et al.) also fails to provide any teaching or suggestion of these claim limitations. As such, the combination of Cucchiara and Ng et al. fail to teach or suggest each and every limitation of claim 7. Since the combination fails to teach or suggest each and every limitation of claim 7, the rejection of claim 7 is now improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject

application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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